

## DEPARTMENT OF FINANCE BILL ANALYSIS

**AMENDMENT DATE:** July 2, 2008  
**POSITION:** Support

**BILL NUMBER:** AB 2901  
**AUTHOR:** J. Brownley

### **BILL SUMMARY: Toxics: Enforcement: Lead Jewelry: Packaging**

This Administration-sponsored bill would make a number of technical and conforming changes to the Lead in Jewelry and Toxics in Packaging laws. The bill would give the Department of Toxic Substances Control (Toxics) explicit statutory inspection and sampling authority for products and create penalties for manufacturers and suppliers that intentionally falsify product certifications and sell tainted products. The bill also contains provisions intended to provide retailers with information they need to ensure that the products they sell are in compliance with the law.

### **FISCAL SUMMARY**

Toxics staff states that this bill would have no fiscal impact on the Toxics budget, as the bill would only clarify existing law. However, we note that the bill would add a new Health and Safety Code provision authorizing a fine of not more than fifty thousand dollars for violations of the Lead-Containing Jewelry statute. Thus, the bill could increase penalty revenue to the Toxic Substances Control Account by an unknown, possibly significant amount.

Section 21 of this bill contains an appropriate "crimes and infractions" mandated-cost disclaimer, recognizing that a violation of the bill's provisions would be a crime.

### **COMMENTS**

The Department of Finance supports this bill as it will make changes to the Lead in Jewelry and Toxics in Packaging laws to enable Toxics to better enforce these laws.

Existing law prohibits the manufacturing, shipping, selling, or offering for sale jewelry, for retail sale in the state, unless the jewelry is made entirely from specified materials and also prohibits, with exceptions, a manufacturer or supplier from offering for sale or for promotional purposes a package or packaging component that includes an intentionally introduced regulated metal in the package or in a packaging component. This bill would make changes to conform the Lead in Jewelry and Toxics in Packaging laws to enhance Toxics' ability to enforce existing law to help ensure manufacturer compliance and protect consumers, public health and the environment.

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)							
	LA	(Dollars in Thousands)							
	CO	PROP							Fund
	RV	98	FC	2008-2009	FC	2009-2010	FC	2010-2011	Code
3960/ToxicSubCtrl	SO	No	----- See Fiscal Summary -----						0557
<u>Fund Code</u>	<u>Title</u>								
0557	Toxic Substances Control Account								

Analyst/Principal (0623) K. DaRosa	Date	Program Budget Manager Karen Finn	Date
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Department Deputy Director	Date
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Governor's Office:	By:	Date:	Position Approved _____
			Position Disapproved _____

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